



LAPORTE COUNTY PLAN COMMISSION

Government Complex, 5th Level
809 State Street, Suite 503 A
LaPorte, Indiana 46350-3391
(219) 326-6808, Ext. 2591, 2563 & 2221
Fax: (219) 362-5561

Michael Polan
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES February 22nd, 2022

MEMBERS PRESENT: Anthony Hendricks Rita Beaty
 Rich Mrozinski Glen Minich
 John Carr Adam Koronka
 Earl Cunningham Harold Parker
 Azad Chahal

OTHERS PRESENT: Doug Biege, Attorney; Mike Polan, Recording Secretary; Ashley Kazmucha, Secretary; Mitch Bishop, County Planner.

PLEDGE OF ALLEGIANCE

Michael Polan asked for approval of the agenda for the February 22nd meeting.

Rita Beaty made a motion to approve the agenda as amended.

Earl Cunningham seconded.

All approved. Motion carries 9-0.

Michael Polan asked for approval of the meeting minutes for November 23rd, 2021.

Harold Parker made a motion to approve the minutes as presented.

Adam Koronka seconded.

All approved. Motion carries 9-0.

Elections:

Michael Polan asked for a nomination for President.

Rich Mrozinski nominated John Carr.

John Carr declined.

Rita Beaty nominated Anthony Hendricks.

Earl Cunningham seconded.

All Approved. Motion carries 9-0.

Anthony Hendricks asked for nominations for Vice President, Board Attorney, Building Commissioner, Secretary, and BZA appointee.

John Carr nominated Rich Mrozinski for Vice President.

Harold Parker seconded.

Earl Cunningham nominated Adam Koronka for Vice President.

Rita Beaty seconded.

Ashley Kazmucha read the roll for Vice President.

Anthony Hendricks stated Rich Mrozinski.

Rita Beaty stated Adam Koronka.

Earl Cunningham stated Adam Koronka.

Harold Parker stated Richard Mrozinski.

Glen Minich stated Adam Koronka.

Adam Koronka stated Adam Koronka.

John Carr stated Rich Mrozinski.

Azad Chahal stated Adam Koronka.

Rich Mrozinski stated Rich Mrozinski.

Ashley Kazmucha stated Vice President is Adam Koronka.

Rita Beaty made a motion to retain the current standing of the Attorney, Building Commissioner, Building Commissioner Secretary, and BZA Appointee.

Adam Koronka seconded.

All Approved. Motion carries 9-0.

Petitions:

- 1. Petitioners Sloane Avenue Land Opportunities, LLC-S RP166 Series represented by Todd A. Leeth and Katie L. Kopf of Hoeppner, Wagner & Evans LLP respectfully**

petitions the Plan Commission to rezone from A and R1B to all R1B the property located on the South side of E. State Road 2 between North 350 East and North 450 East, Rolling Prairie, IN. Kankakee Twp., zoned A/R1B. (Parcels 46-07-14-300-001.000-052, 46-07-14-300-003.000-052, 46-07-22-200-003.000-052, 46-07-22-200-004.000-052, 46-07-15-400-011.000-052, 46-07-15-400-012.000-052, 46-07-15-400.013.000-052, 46-07-15-400-016.000-052) Exhibits attached hereto.

Attorney Biege stated notice is adequate.

Todd Leeth stated he is there on behalf of the Petitioner. He is an attorney with the firm of Hoeppner, Wagner, & Evans LLP. His office is in the Valparaiso Office at 103 Lincolnway. He is pleased to be there to present to them the petition of the Petitioner Sloan Avenue Land Opportunities. They are a new owner of approximately one hundred and sixty-six (166) acres located on the South side of Highway 2 and just East of County Road 350 E which is just outside of the corporate limits of the City of LaPorte. The members have a packet that was supplied to them. He supplemented that a little bit with a handout perhaps duplicating something that might be in there, but he will refer to the three (3) page handout as he makes his way through his presentation which he hopes to be brief. This is a rezoning or a petition to do so. The property in question is shown on the first page and it is highlighted in a bold blue line. It is irregularly shaped as they can see, but a large parcel by anyone's characterization. It has split zoning. The map is actual a screen shot of the zoning map and they can see the green agricultural area is the predominant Zoning classification, but along Highway 2 the yellow is shown which indicated R1B Residential Single-Family District. That is what they are asking to be applied to the entire parcel. It has split zoning, different zonings; that is never good and not good planning. They are trying to get one district for the whole thing and of course his client wants to do that for the purpose of a residential subdivision. So, they are seeking the R1B zoning classification for the entire parcel. The next page is an aerial photograph with the parcel outline in blue shows that it is densely wooded. It has never been farmed and it is not conducive to farming due to the heavy forestation and trees. They would like to change the zoning classification to something that is consistent with not only the existing frontage zoning classification, but that of some of the neighboring properties. From the aerial, they can see an existing subdivision to the South and the North side of Highway 2 and in close proximity as well. There is sanitary sewer available to this property and Highway 2. HE understands that it is needed to have additional flow in that sewer for better service and flow within the utility and this subdivision would certainly help with that. Of course, when there is a rezoning, they have to look to State Law as to what they are supposed to be looking to. In that, they are supposed to meet with the Comprehensive Plan and he has done that. The Comprehensive Plan in the Planned Urban Expansion Areas, which he believes it is fair to characterize it as one (1) of those. It talks about zoning in these areas should be tied to the availability of public services like sanitary sewer. They have that box checked off. It is important to have an acknowledgment that sewers provide the availability and opens up the development for lands where those utilities are available. State Law doesn't just focus exclusively on the Comprehensive Plan, but also current conditions and the character of current structures. There are no structures on the property. There are some in that notch area, the island, that the property surrounds. Those are not agricultural, but business and so forth. They are not residential, but they are seeking that residential zoning classification. He does not think those parcels, as large as they are cause them any concern or conflict with regard to this particular request. Number three (3) is the fact that the desirability of the uses, agricultural not

fitting with the property, the next and most desirable use would be residential which is the request. Conservation of property values and responsible development growth is next. The Land Development Plan and Comprehensive Plan speaks to that with regard to this request as well. The petition is meritorious in that it meets the criteria of State Law as to what they are to focus on and certainly the fact and circumstances with regard to the current conditions surround the property, the fact that it is split zoned, support the petition. They seek a favorable recommendation to the Board of Commissioners. He is available for any questions they may have or come from the hearing.

Earl Cunningham asked about the image on the first page. The area in the light yellow that they want rezoned, how many acres is in that area compared to the one-hundred and sixty-six (166) acres?

Todd Leeth stated he does not have that calculation. The parcel is not even a taxed parcel; there are eight (8) separate tax parcel to make up the one-hundred and sixty-six (166) acres and the zoning classification doesn't even follow those. They haven't surveyed the zoning map. They only have the calculations as to what the eight (8) parcels total up.

Earl Cunningham asked if it would be fair to say based on the drawing that it is one-eighth (1/8) or one-tenth (1/10), somewhere in that area of the one-hundred and sixty-six (166) acres.

Todd Leeth stated he would not quibble with that. No, thank you.

Harold Parker stated they plan to hook into the sewer out there then, is that right? Or is it going to be a septic?

Todd Leeth stated they would hook on.

Harold Parker asked if there is enough room to hook into that sewer.

Todd Leeth stated his understanding is yes, but that is the next step. Assuming they give a favorable recommendation, assuming the Board of Commissioners approves the rezoning, then his client's engineers have a lot of work to do. Then they would be coming right back here for a public hearing on that plan.

Harold Parker asked if LaPorte is okay with that; is their septic big enough there?

Anthony Hendricks stated he thinks it is a pressure line so they have enough capacity. It's just a question that they have the next step so if there is an agreement through the expansion area. Mitch would know if that is true or not because there was an expansion area allowed by LaPorte through that corridor. They're just here for rezoning right now though.

Mitch Bishop stated he is correct. That was part of that agreement with Rolling Prairie and everything along State Road 2 was included and that included this parcel.

Anthony Hendricks stated they were included in the expansion so they have a prior agreement to have it expand into that lot.

Mitch Bishop stated not only that, but the current system as it is now, Rolling Prairie takes roughly two (2) days from the affluent from Rolling Prairie to get to the treatment plant in the City of LaPorte. He spoke with Jerry Jackson, the Superintendent for the City of LaPorte, and he was very favorable because this would add additional flow and the system would run a lot more efficiently.

Anthony Hendricks stated this is about half way so they would need the extra step up right here.

Harold Parker stated if they had to add a pump or something it would be their expense.

Anthony Hendricks stated they will have to add a pump to their expense.

Mitch Bishop agreed.

Harold Parker asked what kind of ground it is; is it going to run? It is kind of rolling out there.

Anthony Hendricks stated the sewer line around 2 is a pressure line so whatever pumps they use. . .

Harold Parked stated for general drainage.

Glen Minich stated what Harold asking is that there is no development plan here at all. They don't know what size lots they are looking at. There is no planned development.

Mitch Bishop stated that is not this step.

Anthony Hendricks agreed.

Attorney Biege stated let's make sure we know what we are doing. We are looking at a zoning change. When they start looking at drainage, sewers, . . . that's all Plat Committee. That is the next step. That's where Mike and the Plat Committee start to go through the plans with the engineers once they're done. Those are not necessarily decision-making points, so the Board is clear, for tonight's decision.

Glen Minich stated except, the whole environment out there changes if they have large lots and how many new homes comparable to it being zoned R1A instead of R1B.

Attorney Biege stated he understands, but nothing gets built unless they look at the sewers and drainage and all that and all that needs to be engineered out. They will have a whole public hearing on that after plat committee. Just to make sure, they have their statutory list of factors and these items while fine to discuss them are not factors on which they base this decision. Those are factors on which they base the next decision if there is a request for a subdivision.

Anthony Hendricks stated the short answer is they are asking for R1B which is a larger lot than what is adjacent in R1A. The adjacent lots to the West are R1A's and they are asking for a larger lot in R1B so the minimum size is bigger than what is present next door.

Harold Parker stated they are taking a pretty big hunk of trees, which really slow down water, and they're going to turn it into asphalt, roofs, and swimming pools. That's a lot more water in that area than has ever been generated in that time. A lot more, not some, a lot more.

Todd Leeth stated if they fall back to what the zoning allows them and farming, they would remove all of the trees. A subdivision developer has a financial incentive to protect the trees. He is absolutely correct; they are going to tear out a lot of trees. A lot of trees will be removed for homes, driveways, and streets.

Harold Parker stated you can't just take a forest down and farm it anymore. There's a lot more to it.

Todd Leeth stated he understands.

Harold Parker stated it will not be clear of that farm.

Todd Leeth stated that their zoning only gives his client that opportunity.

Harold Parker stated he just wants to make sure farming does not do that anymore.

Todd Leeth stated he understands that and the property was in a classified forest for tax purposes and so forth. They are working that out too as well.

Glen Minich stated it's kind of hard to make a decision. He understands what Attorney Biege is saying, but the density of homes here does make a difference to the surrounding residents. It changes the whole area. That's why it's in Agriculture today. That is intensively farmed out there. This is close to two (2) of the largest dairy farms in the County out there. You talk about conflict? If the density rises too much it will impact a lot of people. The farm ground that's farmed there is in seed corn and tomatoes. It is intensively operated with weekly spray schedules and all that. At the very least, they should look to insulate those farm fields that surround this.

Attorney Biege stated he doesn't have an opinion either way other than to say that is what happens in the planning phase so when any subdivision plans are presented to them, that's the time where they say no, they want a buffer zone. The spoke about buffer zones years ago when they drafted the code. So, if they want buffer zones or different densities, that is what occurs during Plat Committee and the development phase and they are allowed to say they don't like it, they are too close together, there's too much, or it's too close to a farm.

Harold Parker stated there was a reason it was left in trees. There was a reason that that was left in trees.

Glen Minich stated that's what farmers find out quite often.

Harold Parker stated you find out that it's not worth farming and highly erodible mostly. He lived through this in Porter County. He knows what he is talking about when they take woods out and it becomes pavement. It's a lot of water; it's not some. Anthony Hendricks knows what he is talking about as he was down in that area over there.

Anthony Hendricks stated he was looking up the flow lines.

Glen Minich stated they have to control it.

Rich Mrozinski made a motion for a favorable recommendation for the project.

Anthony Hendricks stated they have to open the floor up for remonstrators.

Remonstrators:

Jim Paarlberg stated his address is 4701 E. 300 N., Rolling Prairie, IN. He farms the complete South side of the property and a lot of the East side of the property to his knowledge. He hasn't studied it that much. He does raise intensive crops. Airplanes get flown to spray fungicides; sometimes insecticides around. He raises tomatoes for a cannery in Indiana. They are out there spraying fungicides and insecticides of crop protectants on their crop. They are across the field with a spray anywhere from fifteen to twenty (15 – 20) times. It is very intensive. He raises onion sets, the small bulbs for gardeners. He has had the County police come to them several times for toxic odor. He couldn't imagine the livestock guys as there is a hog operation nearby. He can't imagine the calls that they get from people that just aren't ag oriented and come out. He doesn't blame people for wanting their piece of ground. He understands it, but they are a highly intensive agriculture area. There is truck traffic and mud on the road. He apologizes; they do their best not to, but that happens. There is manure that smells. They raise garlic. People tend to like to gather out in the field. They think because it's a farm field that they can go out there. He hasn't gone to Menards and grabbed a hand full of nails just because they have so many, you know. It's just wrong, but it happens on the farm. They have property all around there. Everybody then wants an ATV or UTV and of course they think they can drive on the farm. They get that stuff all the time. Other areas of the world, like Europe, they have villages and then they have the farmers property, but they aren't co-mingled. Even in California, a lot of their cities are in a general location and then they have the farm land. There are a few houses and business sites for taking care of the animals and stuff, but they are co-mingling all the time and they have to put up with it. They are the bad guys. He doesn't know how many times he's been saluted with one (1) finger just driving his equipment down the road and they're usually not happy. It gets frustrating to bring more congestion to the area and inviting more problems. They get a truck and every light has a BB in it and a hole in it. Well, not his kid. He understands it, but Rolling Prairie has a town right around Rolling Prairie. That's a good place right in town where all the facilities are there for them. Instead, they invite them to their farms. He thinks the gentleman is mistaken. That land has been harvested several times of trees. It has been harvested since he's been there more than once. It's also harvested of deer. The former owner had deer hunters out there. They are harvesting deer. It has been harvested in agriculture. It is zoned agriculture and has been harvested in agriculture. Now, they're going to harvest houses. It does have a zoning for houses you know, great, but the rest of it... they have to put up with all the carnage. They get tired of getting dumped on. He got called in for an airplane that killed someone's garden. He killed their garden and then he had an attorney call him. They were spraying fungicide; it did not kill their garden. They try to be good neighbors, but they are just inviting the public more to their realm and where they are trying to make a living. It was zoned agriculture. He asks that it be left that way.

Joseph Baltes stated his address is 4176 E. 350 N., Rolling Prairie, IN. He actually lives in the house directly the first one (1) on the right-hand side passed the proposed subdivision. His family owns next to Jimmy who just spoke. They have forty-six (46) acres of farm ground right around there. One (1) concern he has along with what Jimmy said is the terrain. It is very rolling hills. There will be a lot of run off in that subdivision if it goes in. Another concern that he has is that they look at putting up more houses and right around the corner not even a mile down the road, sand ridge subdivision is sitting there and between that subdivision and the small one (1) across the road, thirty-one (31) vacant lots. If they have all theses vacant lots, why are they wanting to tear down woods to put up more vacant lots at this point. Let's fill the lots that are out there. If people want to come to the country, come to where there's already houses going up and there's lots available to put up. He asks that they don't rezone to put up more lots that are just going to sit around because there aren't people coming out as it is right now which isn't always a bad thing.

Luke Smith stated his name is 3974 E. 350 N., Rolling Prairie, IN. He is in one (1) of the houses in what they consider the "U" of the proposed property. He moved and built there with his wife near his father-in-law, Tony. Tony has lived there a number of years. This is a huge concern to them. Recently, the school expanded and it is raising taxes there for them. It doesn't seem like a good solution to come out there and rezone. As Mr. Baltes said, there already are houses out there. These woods provide a lot of shelter for animals and water runoff. Like the rest of them, he does not support the idea of rezoning this and changing the agriculture area.

Tony Albertson stated his address is 3992 E. 350 N., Rolling Prairie, IN. He is against granting the change of residential from agriculture. As the Attorney pointed out, there are sewer services that go from the town, but none of the subdivisions that are currently out there now are tied in so if they allow this for the new subdivision, are they going to allow Sand Ridge and the other one down 350 E. to tie in too? That costs a lot of money to tie that in. If they are going to grant it there, where does that stop? He supports the farmer in keeping this buffer of woods around there. You can't just grow a tree over night and people take that lightly, but it is something to consider. It was classified forest in the past. It still is classified forest. The homeowners were given a legal description; they weren't given the nice aerial views that they are looking at now. It seems underhanded to them that this whole LLC was formed around the end of November and then they get an out-of-town attorney come in. Does that send a good message to your neighbors that you want to put a subdivision in their back yard? To him it doesn't. He is against it.

Todd Leeth stated he would like to make a couple comments. He appreciates the character of the community. This property is located in Kankakee Township and he is looking at the Township Zoning Map and there is quite a number of different land zoning from commercial to agriculture to R1B zoning classification to the R1A zoning classification all up and down Highway 2 where this property is located. There is quite a bit of diversity within the Township and that diversity follows Highway 2 where this property is. They have a conflict in that the one-hundred and sixty-six (166) acres has two different zoning classifications. So, this needs to be consistent and they think it is most consistent with the R1B and consisted with the neighboring use of the neighboring subdivision. With regard to somebody else's property that hasn't developed out and there are lots for sale, the aerial shows there are some empty lots within that subdivision. He couldn't say why that is. Maybe the price is too high, maybe the land doesn't support septic, or there is no sewer

available in that development. This one will have those. It will have those amenities and sanitary available to it. Frankly, it's his clients' opportunity to invest in the community and provide that for his property that he has recently acquired. He can't speak to why somebody else's property hasn't developed or why there are lots that aren't available. Sanitary sewer is a very important public improvement. It helps develop property. If they developed subdivision on septic systems, some call them ticking time bombs, then they wouldn't have nearly the density and what does that do. What that does is that for the next subdivision in the next five to ten (5 – 10) years they will have to have more farm ground eaten up in large lot subdivisions. The more responsible growth and development pattern is in these expansion areas in the fringes of the cities and towns of any communities of any county ought to have with sanitary sewer the availability to create more density. He's not saying four (4) homes per acre, but about two to three (2 – 3) which is exactly what the ordinance talks about in the R1B two to three (2 – 3) homes per acre. What that does, in the long time, is preserve farm ground. That is responsible development. That is what the State Code guides you to look at when they consider rezoning petitions.

Rita Beaty stated she understands everyone that has come up and spoken. She sympathized with them that they do own farm ground and they understand they do have people coming in from cities and they do not understand what happens on farm ground or that there is manure going up and down the road and things like that. Yes, they do get complaints on that all the time, but unfortunately, they have the problem in LaPorte County where everybody wants to say they don't want it in their back yard. She feels for them for that. She lives in the country too and she loves her country home, but unfortunately there is going to be growth at some point in time out there. This particular piece of land is tree and she's sure Sand Ridge and the others that are out there at one time had trees or something that was removed when those subdivisions went in there to build those homes. There are a few of them that recently came in like the one mentioned on 350 where some things were removed to build those. Unfortunately, homes can be built on Ag zoning. They're not just looking at the fact that he can't build there, Ag zoning allows single-family homes. Therefore, whether they are doing the R1B, R1A, or Ag homes can be built there. At least with more homes coming in, there is a tax base that will be built up. She wanted to let them know that they do hear what they are saying and they do take everything into consideration, but unfortunately sometimes their hands are tied with where they can and can't go with the Plan Commission.

Michael Polan stated he would like to add in that what they are considering tonight is the zoning. If this was spot zoning then that would be something detrimental, but the request for the zoning is consistent with the zoning around it and it cleans up the split zoning that is in the parcel. As far as the drainage, that would need to meet the design criteria if it even gets to that point. It would have to be designed for one-hundred and fifty percent (150%) capacity to take into account for the surface water runoff, hard surface, and all of that. As stated, that would be addressed in Plat Committee before it ever went for final approval. Even if the rezone is approved tonight, that does not mean that the subdivision would be approved in the next stage.

Anthony Hendricks stated on the technical side, since this is what he does in his private world, the way storm water runoff works, and he understands what Harold and Glen are talking about, but the new storm water runoff calculations work. They don't get to let the water just runoff. If they do a development, they have what to take into account what is today. They don't get to release all that. If they take all the trees down and take every tree down, they typically only get to release a ten (10)

year or twenty (20) year storm. By our standards, they can only release less than what is being released today and they have to store the one-hundred (100) year storm so technically when they're done with their calculation there should be less runoff coming off this property than the forested land. They have to start with what the cover is today and they cannot allow more that goes off. That's the way it has to be approved through our County Engineer. They have to show him the calculations that they're not going to release more than what comes off the wooded farm field. That is the standard of technical details that they have to cross that bar coming up. If they can't, they don't get approval.

Harold Parker stated he has been in this business a long time and he has yet to see a stormwater sewage work for a one hundred (100) year thing. He has never seen it work.

Glen Minich stated he wanted to make a point. The attorney made some good arguments. He understands, increasing the density means they will have to do less of this, it's not spot zoning, but it's just an expansion of spot zoning because that growth out there doesn't match. He understands everybody needs a home, but this isn't on the fringes of LaPorte or Rolling Prairie really. This is in the middle of an intensely farmed area of the County. He thinks it would fit better on the fringes of LaPorte or Rolling Prairie.

Todd Leeth stated it meets the definition of their Zoning Ordinances and Expansion Areas.

Adam Koronka asked Attorney Biege if they are to approve this, could they do it on the pretense that there be a high recommendation for a buffer or something of that nature towards the Plat Committee.

Attorney Biege stated he sees his point, but it's a waste of time. If this is approved, they're going to be here talking about subdivision design again later. Nothing is going up until they see it again. If there is something they don't like about, they can change it. But again, that's after Plat Committee, after several County departments have looked at it, done the calculations, and it has been approved by them under the standards. When they come in requesting a subdivision, that's when they say they want a buffer, they want this, and they don't like that. Counsel listed off the statutory factors under which they are going to consider the zone change and that is what they are restricted to. He appreciates Glen's comments, but he's just trying to make sure they have a clean record that they are making the decisions on the statutory factors tonight.

Anthony Hendricks asked the Plan Commission if they would like to reopen to remonstrators because they did public comment already, but somebody is wanting to comment again and they typically don't allow more public comment.

Earl Cunningham stated in light of the fact that they let Counsel rebut, that they should give them a chance to rebut as well.

Earl Cunningham made a motion to open back up remonstrance.

Rita Beaty seconded.

Anthony Hendricks stated public comment is open.

Remonstrators:

Jim Paarlberg stated his address is 4701 E. 300 N., Rolling Prairie, IN. The comment was that it was zoned and it just has to get cleaned up. It's multiple parcels done for probably multiple ownerships over time. They have brought it all together at some point in time. It wasn't like they have to clean anything up. This was very specific when it got zoned for residential. It was very specific for that time and then the other just happens to be one (1) owner. He doesn't know the deed history and all that, but it was agriculture and this was zoned for a reason. Back in the day, somebody had foresight to zone this right here. There were reasons why they did that. Let's leave that agriculture. If that were the case, they should zone everything R1 and then they could all do whatever they dang well please. He understands that, but they're asking to fix it because they have it all and they want it all one (1) way. It seems to me they should have got it zoned before they bought it or figured it out before they bought it. Now they have bought it and they're wanting them to fix it so they can do what they want. It's a little bit of misguidance to them. If Jerry Jackson needs more water, he's sure they can all get together to get the crap down to him quicker. He's sure they can send a little more water down that way. If they build it, they will come. Well, it was building for Rolling Prairie to get around Rolling Prairie to get to Jerry Jackson at the sewer.

Attorney Biege stated that's a Sewer Board issue, not a Plan Commission issue.

Jim Paarlberg stated he knows, but Mitch Bishop brought it up so as a positive he's sure they could add water to get it down there quicker if it's a problem.

Jim Miller stated his address is 3934 E. 350 N., Rolling Prairie, IN. His property borders two (2) of the parcels. He has about ten and a half (10 ½) acres and horses. HE was glad the Attorney came back up when he said that there was possible three (3) houses per acre. If they only use eighty (80) acres then that's two-hundred and forty (240) houses. He really doesn't want to see that happening. They live in the country for a reason. He is against it.

Earl Cunningham stated he would like to respond that in light of one (1) of the comments earlier in the evening, he leaned over to their resident realtor and asked if it was bought contingent on the approval and she checked and it was purchased ahead. His point is well taken. They didn't buy it contingent on the approval.

Rich Mrozinski made a motion for a favorable recommendation for the Petitioners Sloane Avenue Land Opportunities, LLC-S RP166 Series represented by Todd A. Leeth and Katie L. Kopf of Hoeppner, Wagner & Evans LLP to rezone from A and R1B to all R1B the property located on the South side of E. State Road 2 between North 350 East and North 450 East, Rolling Prairie, IN. Kankakee Twp., zoned A/R1B. (Parcels 46-07-14-300-001.000-052, 46-07-14-300-003.000-052, 46-07-22-200-003.000-052, 46-07-22-200-004.000-052, 46-07-15-400-011.000-052, 46-07-15-400-012.000-052, 46-07-15-400.013.000-052, 46-07-15-400-016.000-052).

John Carr seconded.

Adam Koronka stated the comment from Attorney Biege is that if it comes back to them, they end up having the responsibility then to make sure that it is parceled off and subdivided responsibly to look at both options for the developers and land owners around there to get the best of both worlds.

Ashley Kazmucha read the roll.

Anthony Hendricks stated aye.

Rita Beaty stated aye.

Earl Cunningham stated nay.

Harold Parker stated nay.

Glen Minich stated nay.

Adam Koronka stated aye.

John Carr state aye.

Azad Chahal stated nay.

Rich Mrozinski state aye.

Ashley Kazmucha stated it is approved.

Approve. Motion carries 5-4.

Old Business

1. Declaratory Resolution of the LaPorte County Redevelopment Commission Declaring an Area in LaPorte County, Indiana as an Economic Development Area and Approving a Development Plan for Said Area (I-94 US 35 Economic Development Area)

Anthony Hendricks stated this is back on for their approval because this is a nine (9) member commission so they have to have five (5) members whether there are five (5) members there or not. There has to be five (5) aye votes for one (1) way or another. They were a four (4) vote last time.

Attorney Biege stated the Commission in the past when they have had less than a full Commission has allowed the Petition to come back for a re-vote with all the Commission members because, and it's unusual, most Boards is the majority of the present members, but Indiana Code specifically states that it has to be a majority from the full Commission and that's why in the past the Commission has permitted a re-vote on some of these. It was four to three (4 – 3) pass when it was presented to the commission before.

Anthony Hendricks asked if in his opinion, this was really just tabled. It just sat on their agenda.

Attorney Biege stated yes.

Earl Cunningham stated for the sake of this not having to be redone over and over again, he'd say that any point that they have less than their nine (9) members present that they make that statement.

Anthony Hendricks stated yes. They should make it known that they need five (5) votes.

Earl Cunningham stated if they only had six (6) members here he would have withdrawn until the next meeting. They need to inform them of that at the meeting.

Rich Mrozinski stated as being on the RDC, this is one (1) of the best projects that they have seen come before the RDC in quite a while. Unless they have remonstrators, present he would like to make a motion that they give a positive approval.

Rita Beaty seconded.

Anthony Hendricks asked Attorney Biege as he abstained last time, they are only voting for this as it adheres to their Joint Zoning Ordinance and Master Plan. And to Mitch Bishop, who is their professional as LaPorte County Planner and even though he might be a consultant to the Redevelopment Commission, as County Planner, is the map they gave them which showed about ninety-six percent (96%) residential zoned, so when they just saw what just happened in front of them, if somebody comes forward to the Board and ask if they did it because it meets the Joint Zoning Ordinance, he wants him in record saying it does meet it. That way if somebody comes forward and wants to do commercial or industrial business in this area, that they will say their County Planner said it meets the Joint Zoning Ordinance and then they would not deny them the zoning because they just changed this TIF District knowing this is what they want to do in this area.

Mitch Bishop stated right. It's real similar to something five (5) years ago when the Plan Commission approved 421 and 94, another interchange, where now they are running sewer and water. That area there was residential. It was also commercial and maybe a little bit of agriculture. Very similar with the same issues too. They needed to run sewer and water south of 94; jack and bore in that case. As they know, that's going to be awarded soon. This is a secondary change and there is some residential zoning where it's located. If they look at the Comprehensive Plan, they'll see they want to see developments along the fringe of cities and they want to encourage growth and development along those fringes. How they do it, one (1) of those mechanisms, is expanding sewer and water. Yes, if there is some commercial in some of the land, and some of the land North of 20 is residential, if that is to develop then yes, they would have to get it rezoned. However, the developer who is interested now is the owner of Boss Industries and is looking at the parcel North of 20 just East of 94 and he is envisioning a hotel development, a restaurant, and some community buildings as well in that area. There is sewer just South of that on 20 so he would need to jack and bore under 20. The water is roughly sixteen hundred feet (1,600') or two thousand feet (2,000') away just West or Northwest.

Anthony Hendricks stated it's just West of the interchange at Meer Road.

Mitch Bishop stated he would need to bring that as well to the site and that not only helps him, but could help any future developments in that area moving on. He is supportive and it conforms with the Comprehensive Plan.

Anthony Hendricks stated ok. They just had development and they have farmers on their Board that when people come, and they hope this develops into a business commercial, but when they come forward and ask the Board for rezoning, they will refer back that they have the map and they all confirmed through the County Planner that it does meet their Comprehensive Plan.

Attorney Biege stated it is also in an Overlay District subject to Article 12. Overlay Districts have another set of standards for development along highway routes in those areas. They have several in the County and this is contained within that.

Adam Koronka stated since the original motion contained unless there are any remonstrators should they open that up just to be sure.

No remonstrators present.

Harold Parker asked if this hurts anybody for taxes. Is this a self-funding deal?

Anthony Hendricks stated this is a potential TIF District and it will not affect taxes unless development happens and bond happen, but no, it will not change anyone's taxes.

Rich Mrozinski made a motion for a favorable recommendation for the Declaratory Resolution of the LaPorte County Redevelopment Commission Declaring an Area in LaPorte County, Indiana as an Economic Development Area and Approving a Development Plan for Said Area (I-94 US 35 Economic Development Area).

Rita Beaty seconded.

All Approved. Motion carries 9-0.

Anthony Hendricks asked for any new business.

Harold Parker stated the Attorney suggested the have somebody looking for battery storage or generation or degeneration.

Attorney Biege stated he received an inquiry about a battery storage facility adjacent to electrical switching stations. He received from information from the company that may be making the request, but they got into the conversation before and they have very little knowledge and there's less information out there than there were for solar farms when he drafted the Solar Ordinance. So, he is looking for information and asking the Commission members to keep an eye out. The issue has not come to fruition, but he expects it will. When it does, he's hoping LaPorte County can have a good understanding of what they're dealing with.

Anthony Hendricks stated they're going to have to look at Commissioner Mrozinski here because if anyone understands it. . . He is in favor of solar and renewable energy, but when they look at the batteries and the lithium and the things that could happen, no fire department is ready for the worst-case scenarios with those things. They have to act pretty quick because he presumes unless it goes to the Commissioners, it would have to go through our Zoning Ordinance as a change unless the Commissioners pass an Ordinance about something in the safety side of that.

Attorney Biege stated that's a great point because this Commission only has so much authority and when they talk about the capacity of the volunteer fire departments in the County, this seems to him to be an integrated issue.

Anthony Hendricks stated no fire department can handle a lithium battery fire. No fire department in the world. There's a cargo ship burning right now in the ocean because of lithium batteries. And it's just burning until it burn's down.

Glen Minich stated it wasn't that long ago they had an issue with all the recycling electronics that were coming into the recycling station and they were just moved to another open lot in LaPorte County and that had to be cleaned up. They don't want a repeat of that.

Harold Parker stated they are also having great trouble in Europe right now because they have been in these electric cars and stuff about junk yards for batteries. They are having a problem.

Attorney Biege stated their code doesn't deal with any of it and he doesn't have a good base of information to draw from at this stage.

Anthony Hendricks stated Commissioner Mrozinski, they will need help with this one (1).

Rich Mrozinski stated it is the first he has heard of it and it makes a pretty strong argument of having it in LaPorte County. That's the first he has heard of it. It has not come across their agenda at all yet. He would like to hear more about it, but he's heard enough to know that he doesn't like it.

Anthony Hendricks stated at a minimum, they are talking fire safety walls around these things. At a minimum.

Attorney Biege stated there has to be some kind of guidelines out there, but he hasn't found anything yet. He is asking the Board members and their several organizations to keep an eye out. He is proud of the Solar Ordinance that they came up with. It is a good solid Ordinance, but that was a collaboration with Plan Commission members and drawing from different organizations. Farm Bureau was very helpful as was Purdue. This is their next issue to tackle. There is not a due date; there is no request in front of anyone, but it is coming.

Harold Parker asked what happens when they burn? What kind of deal is it?

Anthony Hendricks stated the chemicals are horrendous.

Adam Koronka stated there's no way to put it out. You cannot put it out.

Anthony Hendricks stated there is no way to put a lithium battery fire out.

Harold Parker stated if you want something gone, you want to park it next to it.

Anthony Hendricks thanked Attorney Biege. It's not something he has thought of, but they need to move fast. They could move in concert with the Commissioners, the Commissioners' Attorney, and the Plan Commission Attorney to bring this up next month.

Rich Mrozinski stated he would like to make sure that we include Randy Novak. He is a veteran of the fire department. Look at all the issues that came up with 39 N with not enough water for fire suppression and this is a fire you can't put out. They need to get ahead of it. He agrees with Attorney Biege about getting ahead of this if it takes an Ordinance, Resolution, or whatever to head it off; to make sure it doesn't happen.

Anthony Hendricks stated they will put it on the agenda for next month for sure and the Commissioner can help them through it.

Attorney Biege stated he has one (1) more issue. Another item for next month perhaps. We found a hole in our zoning map. There was an inquiry. He doesn't know how it happened. Mitch and him worked really hard on the Zoning Maps so he's going blame Mitch on this.

Anthony Hendricks stated Glen was blaming Mitch for the half lot we just saw.

Attorney Biege stated they have three (3) small parcels on Highway 20 and 250 E. They are surrounded by Ag, but across the street is R1B. There's no zoning classification whatsoever. He contacted GIS to see if there was a whole in the data download and there wasn't; there's no zoning for these parcels. They are contacting the three owners and finding out what their preference is as it should be Ag or R1B and they will bring that to the Commission. He thinks they can do it by motion and minutes. He doesn't see the reason for a Petition. It's something that is odd and quirky and they just have to say, "whoops," and fix it. They will be bringing that before them next month when they know what the owners want.

Anthony Hendricks stated nice

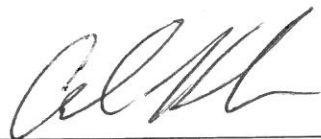
Anthony Hendricks asked for a motion to adjourn.

Adam Koronka made a motion to adjourn.

Rita Beaty seconded.

All approved. Motion carries 9-0.

There being no further business before the Plan Commission, meeting adjourned at 7:00 p.m.



Anthony Hendricks, President

Adam Koronka, Vice President



Michael Polan, Recording Sec.